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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/028,757 | 12/21/2001 | Lee E. Cannon | 4978US (01-01-029) | 2583 |
| 4743 7590 03/04/2008 MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606 | | | | |
| EXAMINER NGUYEN, DAT | | | | |
| ART UNIT | | PAPER NUMBER | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/028,757

Applicant(s)

CANNON, LEE E.

Examiner

DAT T. NGUYEN

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 54, 57-59, 61-66, 69-71 and 73-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 54, 57-59, 61-66, 69-71 and 73-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This office action is responsive to the amendments filed on 12/06/2007 in which applicant amends claims 54, 57-59, 61, 62, 66, 69-71, 73, 74, 76 and 80, cancels claims 56 and 68 and responds to claim rejections. Claims 54, 57-59, 61-66, 69-71 and 73-83 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 54, 57-59, 61-66, 69-71, 73-77, 79, 80, 82 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vancura (US 6,413,160) in view of Vancura (US 6,988,732 B2), Walker (US 6,394,899 B1) and further in view of LaMura (US 6,676,521) and Olsen (US 6,217,488).

The discussion of the prior art as stated in the previous office action dated 06/07/2007 is maintained, modified and incorporated herein.

Further regarding claims 54, 61, 66 and 73:

Regarding the amended limitations of allocating a portion of the player's wagers to form a bonus pool which is to be used to fund payment of awards during bonus team play of the game, the prior art fails to explicitly recite such limitations. However in a

related patent, Olsen teaches the use of a bonus pool funded at least in part by the wagers of the players (9:50-10:2). Olsen explicitly teaches that the bonus pool can be partially funded by the player wagers and optionally funded by casino contributions. Furthermore the bonus pool amount is allowed to go to negative (9:64). The award can comprise the entire bonus pool or a portion of the bonus pool (See Olsen col. 9 lines 50-67) [claims 57, 58, 69, 70]. Olsen further teaches that when determining to initiate a bonus game it determines if a qualification for the player to enter to the bonus game has occurred including setting a stake in the bonus pool for the player in the bonus game according to the qualification (See Olsen col. 25 lines 45-49) [claims 59, 71]. Furthermore, if a second person plays the wagering game, the bonus pool is generated at least in part through the wager received from the first player and the wager received from the second player [claims 62, 74]. It would have been obvious to one of ordinary skill in the art at the time of invention to fund the bonus pools in accordance with the methods taught by Olsen in order to achieve the predictable result of a more flexible bonus pool wherein there is more freedom and options for the casinos to provide to the players. As is well known in the art, increased flexibility and freedom allows for a more dynamic game play and options whereby increasing player interest and excitement.

Claims 78 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vancura¹⁶⁰, in view of Walker, in view of Vancura⁷³², in view of LaMura and Olsen in further view of Walker et al., U.S. Patent No. 6,193,606 B1.

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The prior art lacks in specifically disclosing that the criterion comprises a random selection. Walker et al. teaches of an electronic gaming device with a trivia game component. The trivia questions have a difficulty level selected according to a criterion in which the criterion comprises a random selection (See Walker col. 8 lines 26-47; col. 10 lines 59-67; col. 11 lines 1-9) [claims 78, 81]. For example, each question has a certain difficulty level and the questions are randomly selected. It would have been obvious to one of ordinary skill in the art at the time the invention was made to select questions randomly because randomly selecting questions from a database limits the possibility of the player knowing the question before hand and therefore retaining the spirit of the trivia game since it would not be of much challenge, fun, or interest if a player were to play a game in which the player is already made aware of the questions to be asked.

Response to Arguments

Applicant's arguments filed 12/06/2007 have been fully considered but they are not persuasive.

Applicant alleges that it would not have been obvious to combine the self-sufficient pools of Olsen with the prior art of Vancura. The examiner respectfully disagrees. However in light of the new rejection as stated above, the argument is moot since Olsen does not only teach self-sufficient pools, but also partially funded pools which casinos may contribute to (Olsen 10:1-2) as stated in the above rejection. Furthermore, the proposed combination above would not destroy the teachings of the time limit of Vancura since the bonus pool can still go to negative and is able to be

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funded by the casino and so it would be in the casino's best interests to maintain the house advantage as applicant has indicated on page 9 paragraph 3 of the response. The fact that Olsen states the pool can go to negative means that the house is still liable for losses from the pool since they will be paid out to the players and the balance on the bonus pool would be negative (Olsen 9:64) and so as stated before, it is still in the interest of the casino to maintain a house advantage in the form of a time limit as taught by Vancura. Therefore, in light of the current rejection as stated above and the arguments as presented above, there is no conflict when combining the references of the prior art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAT T. NGUYEN whose telephone number is (571)272-2178. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Primary Examiner, Art Unit 3714

Dat Nguyen